

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RCN TELECOM SERVICES, LLC; RCN  
TELECOM SERVICES OF NEW YORK,  
L.P.; RCN CAPITAL CORP.; RCN  
TELECOM SERVICES OF PHILADELPHIA,  
LLC; RCN TELECOM SERVICES OF  
MASSACHUSETTS, LLC; STARPOWER  
COMMUNICATIONS, LLC; RCN  
MANAGEMENT CORPORATION; RCN  
ISP, LLC; RCN DIGITAL SERVICES, LLC;  
RCN NY LLC 1; RCN TELECOM  
SERVICES (LEHIGH), LLC; RCN  
TELECOM SERVICES OF ILLINOIS, LLC;  
21ST CENTURY TELECOM SERVICES,  
INC; and RCN CABLE TV OF CHICAGO,  
INC.,

*Plaintiffs,*

- against -

BMG Rights Management (US) LLC,

*Defendant.*

Civil Action No. 16-cv-4417-PKC

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, Declaration of Michael J. Allan, and all prior pleadings and proceedings herein, Defendant BMG Rights Management (US) LLC by and through its counsel, will move this Court before the Honorable P. Kevin Castel, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be set by the Court for an order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and applicable case law, dismissing the First Amended Complaint of Plaintiff RCN Telecom Services, LLC *et al.* with prejudice, together with such other and further relief as this Court deems just and proper.

Pursuant to the Court's Order dated January 6, 2017 [Docket No. 60], Plaintiffs' response shall be due on or before February 23, 2017 and Defendant's reply submission, if any, shall be due on or before March 9, 2017.

Dated: New York, New York  
January 23, 2017

By: /s/ Michael J. Allan  
Michael J. Allan  
Jeffrey M. Theodore  
(admitted *pro hac vice*)  
1330 Connecticut Avenue, NW  
Washington, D.C. 20036  
Tel: (202) 429-3000  
E-mail: mallan@steptoe.com  
E-mail: jtheodore@steptoe.com

Evan Glassman  
1114 Avenue of the Americas  
New York, New York 10036  
Tel: (212) 506-3900  
E-mail: eglassman@steptoe.com

*Attorneys for Defendant*

To: ARMSTRONG TEASDALE LLP  
Attn: Richard L. Brophy  
David W. Braswell  
Zachary C. Howenstein  
Margaret R. Szewczyk  
7700 Forsyth Blvd., Suite 1800  
St. Louis, Missouri 63105  
Tel: (341) 641-5070  
Email: rbrophy@armstrongteasdale.com  
Email: dbraswell@armstrongteasdale.com  
Email: zhowenstein@armstrongteasdale.com  
Email: mszewczyk@armstrongteasdale.com  
Charles W. Steese  
6400 South Fiddlers Green Circle  
Suite 1820  
Denver, Colorado 80111  
Tel: (720) 200-0676  
Email: csteese@armstrongteasdale.com

SEYFARTH SHAW LLP  
Attn: Edward F. Maluf  
620 Eighth Avenue  
New York, New York 10018-1405  
Tel: (212) 218-5500  
Fax: (212) 218-5526  
Email: emaluf@seyfarth.com